

REMARKS

The Applicants appreciate the Examiner's careful examination of this case. Reconsideration and re-examination are respectfully requested in view of the instant remarks.

With regard to paragraph 1 on page 2 of the Office Action, the Applicants were obliged to the Examiner for kindly indicating that the drawings filed 12/03/05 were acceptable.

The Abstract of the disclosure has been rewritten as requested by the Examiner.

The Examiner's presumption in paragraph 3 of the Office Action is correct.

With regard to paragraph 4 of the Office Action, claim 1 has been restricted to specify that the Applicants' apparatus is for warming a tyre which is inflated. Claim 1 has also been restricted to specify that the apparatus includes the inflated tyre on the wheel.

Arimatsu (US 4,456,806) discloses apparatus for preheating to a predetermined temperature an elastomer product. An example of the elastomer product is given as a green tyre. The preheating is in preparation for vulcanization. Thus the Arimatsu apparatus does not disclose apparatus in which a tyre is on a wheel, let alone apparatus in which the tyre is inflated. Thus Arimatsu now does not disclose two features which are in the Applicants' restricted claim 1. By inserting the features of the tyre on the wheel and the

tyre being inflated into claim 1, the Applicants have restricted their claim to the particular type of apparatus which they are interested in, namely apparatus which warms an inflated tyre on a wheel to a temperature required for vehicle racing. Such apparatus is clearly neither disclosed in nor contemplated by Arimatsu. It is also not clear that the Arimatsu means for generating electromagnet energy would generate the energy of a frequency suitable for heating the inflated tyre such that the inflated tyre is warmed to a temperature required for vehicle racing. The Arimatsu electromagnetic generator is concerned with an entirely different type of heating, namely that in preheating an elastomer product such as a green tyre in preparation for vulcanization. The temperature required for preheating a green tyre in preparation for vulcanization is clearly going to be different from the temperature required by an inflated tyre for vehicle racing. This is especially so when it is remembered that the Arimatsu tyre is a green tyre which is not even vulcanized, let alone being a tyre which is vulcanized, inflated, and on a wheel. It is thus respectfully submitted that the Arimatsu apparatus firstly fails to show the combination of features now required for the Applicants' restricted claim 1, and secondly fails to show an apparatus that would be suitable for the Applicants' purpose.

Insofar as the Examiner is combining Arimatsu with Nissan Motor (JP 3-189216) it is to be noted that there is no teaching in either Arimatsu or Nissan Motor to make the combination suggested by the Examiner. A person skilled in the art and wanting to solve the problem solved by the Applicants, namely the

warming of an inflated tyre on a wheel to a temperature required for vehicle racing, would never look to Arimatsu which is concerned with the preheating of a green tyre prior to vulcanization. Arimatsu is not concerned in any way whatsoever with the problem solved by the Applicants. The Examiner says that Nissan Motor shows that it is old and well known to warm a tyre mounted on a wheel of a vehicle. The Examiner may perhaps be reading too much into Nissan Motor. The drawing shown in the Abstract of the disclosure does not show the tyre being mounted on a wheel. The Abstract also does not talk about the warming of the tyre being for improving the running performance of the vehicle. In any event, whatever Nissan Motor discloses, it is respectfully submitted (and apparently agreed by the Examiner) that Nissan Motor clearly does not show the Applicants' apparatus. Thus neither Arimatsu nor Nissan Motor shows the Applicants' apparatus and neither Arimatsu nor Nissan Motor contains any disclosure indicating that Arimatsu and Nissan Motor should be combined together. In fact, Arimatsu is concerned with an entirely different problem to that of Nissan Motor, and it is respectfully submitted that without the benefit of knowledge of the Applicants' invention, there would be no reason whatsoever to think of combining Arimatsu and Nissan Motor.

Insofar as the Examiner was also rejecting claims 2, 3 and 7 – 13 as being obvious over the combination of Arimatsu and Nissan Motor, the Applicants rely for the patentability of these claims on the fact that these claims

include all of the features of the amended claim 1, and the amended claim 1 is believed to be novel and non-obvious for the reasons mentioned above.

With regard to paragraph 5 of the Office Action, the Examiner has rejected claims 4 – 6 as being unpatentable over a combination of Arimatsu, in view of Nissan Motor and further in view of Searle et al (US 3,566,066). For the reasons expressed above, the Applicants respectfully disagree with the Examiner's comment that Arimatsu combined with Nissan Motor shows every feature as claimed by the Applicants except for the explicit showing of a quick opening door structure as required by the Applicant's claims 4 and 5, and the circular container feature of the Applicants' claim 6. Especially with regard to the quick opening door feature, it is believed that the combination suggested by the Examiner would not be thought of by anyone without a knowledge of the Applicants' invention. As discussed above, the Applicants can see no reason for combining together Arimatsu and Nissan Motor, let alone including in the combination Searle. In addition, the Applicants rely for patentability of claims 4 – 6 on the fact that these claims include all of the features of the amended claim 1, which amended claim 1 is believed to be allowable for the reasons given above.

With regard to paragraph 6 of the Office Action, the prior art made of record and not relied upon has been carefully considered. This prior art is believed not to affect the above submissions, nor the allowability of the claims.

A minor amendment is proposed for claim 7 to refer to at least one stud. This is to bring claim 7 more into agreement with the Applicants' Figures 1 - 5 where only one stud 14 is shown.

Claim 14 is a new claim to the method of heating the tyre. This method claim has been put forward to emphasise the difference of the Applicants' invention over the Arimatsu disclosure.

The description at page 2 lines 3 - 11 and page 7 lines 7 - 14 has been amended to make it consistent with the amended claim 1. The description at page 3 lines 13 - 15 has been amended to make it consistent with the amended claim 7.

Accordingly, it is respectfully submitted that this application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this **RESPONSE** is found to be **INCOMPLETE**, or if at any time it appears that a **TELEPHONE CONFERENCE** with Counsel would help advance prosecution, please telephone the undersigned or one of his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,



David W. Poirier
Reg. No. 43,007